

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

UNITED STATES OF AMERICA

Plaintiff,

-vs-

Case No. 3:09-CR-146(1)
District Judge Thomas M. Rose

RONALD GARRETT

Defendant.

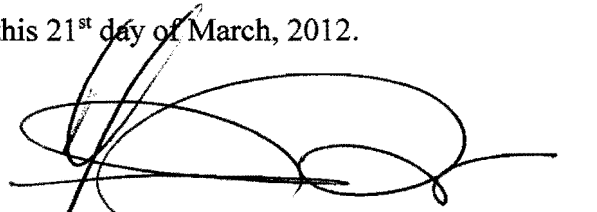
ORDER

This matter comes before the Court for consideration upon Defendant's Pro Se Motion for Relief Under 18 U.S.C. 3582(c)(2) (doc. 80) filed on December 5, 2011, and a subsequent motion entitled, Motion for Reduction of Sentence Pursuant to 3582 of Title 18 (doc. 81) filed on January 6, 2012. On January 25, 2012, the Government filed a Motion for Stay In Ruling (doc. 83) to which the Court granted giving the parties an opportunity to review the Defendant's case as to his eligibility for a reduction under 18 U.S.C. 3582(c)(2). The Government then filed a Response in Opposition (doc. 84) on February 28, 2012.

Defendant requests that his sentence be reduced pursuant to the implementation of the recent guideline amendment to the Fair Sentencing Act. Upon review, the Court finds Defendant's motions to be not well taken and the Court **DENIES** the same.

The Defendant fails to meet the eligibility requirements for application of the new Fair Sentencing Act guideline. At the time of sentencing the Defendant was determined to be a career offender pursuant to United States Sentencing Guideline §4B1.1 and that guideline was used to calculate his base offense level not the crack cocaine guideline. Accordingly, this Court finds that Defendant's previously imposed sentence of 150 months is proper, reasonable, and appropriate.

DONE and **ORDERED** in Dayton, Ohio, this 21st day of March, 2012.



THOMAS M. ROSE JUDGE
UNITED STATES DISTRICT COURT